

REMARKS

Claims 1-6, 9-12, 15-17, 27-29, 32-38, 40-47, 50 and 52 are now pending in the application. Claims 1-6, 35-38 and 40-47 are allowed. By virtue of this Amendment, claims 9-11, 15, 27, 32-34, 50 and 52 are amended, and claims 7, 8, 13, 14, 18-26, 31, 32, 48, 49 and 51 are cancelled.

A. Allowable Subject Matter

In the Final Office Action, the Examiner allowed claims 1-6, 35-38 and 40-47. These claims remain unchanged by this response.

In the Final Office Action, the Examiner objected to claims 9-12, 15-17, 27-29, 32-34, 50 and 52 as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. These claims have been amended to include the recitation of the base claims and any intervening claims.

B. Rejected Claims

In the Final Office Action, the Examiner rejected claims 7-8, 13-14, 18, 21-26, 30, 48-49, and 51. Applicant respectfully disagrees with several of the Examiner's rejections; however, to expedite prosecution, this amendment cancels all rejected claims.

C. Correction to Response to Final Office Action

Applicant wishes to clarify that, in responding to the Examiner's rejection with of claims 18 and 26 in the response dated January 31, 2005, Applicant at some points referenced "Dong" rather than "Rondo". The response should have read at page 13 (emphasis added):

B. Claims 18 and 26

Claims 18 and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by **Rando** (U.S. 6,005,719). This rejection is traversed.

1. **Rando Dong** fails to show “reference sides”

Claim 18 recites, in part, “a housing having ... reference sides.”

The Examiner states that “**Rando Dong** discloses a laser tool having a housing (48, 100) having two or more reference sides.” **Rando**, however, fails to disclose a module having reference sides. **Rando Dong** only shows a module resting on one of its sides and even that side is not used as a reference side. **Rando Dong** states “The optical-mechanical mechanism inside steers the beams in the level and plumb directions even though the housing is not level.” (**Rando**, column 6, lines 10-12.) Rather than reference sides, **Rando** discloses internal actions that orient a beam of light. For example, for orientation of light **Rando Dong** shows a laser suspended in a fluid (e.g., see figures 13, 14 & 19B) and, alternatively, a laser attached to a pendulum (e.g., see figures 11, 12 & 23).

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. This amendment is entitled to entry under Rule 113(c). Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to enter this amendment and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 549242002200. However, the Commissioner is not authorized at this time to charge the cost of the issue fee to the Deposit Account.

Dated: March 28, 2005

Respectfully submitted,

By 
Bryan H. Wyman
Registration No.: 48,049
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5779